

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE PENSION, WELFARE AND)	
VACATION FRINGE BENEFIT FUNDS OF IBEW)	
LOCAL 701,)	No. 18-cv-00956
)	
Plaintiffs)	
)	
vs.)	Judge Johnson Coleman
)	
C.A.S.E. CONSTRUCTION AND ELECTRICAL)	Magistrate Judge Kim
CONTRACTORS, INC., an Illinois corporation,)	
)	
Defendant.)	

MOTION FOR JUDGMENT IN SUM CERTAIN

NOW COME the Plaintiffs, by and through their attorneys, and, in their Motion for Default & Audit, state as follows:

1. The Plaintiff Funds filed their Complaint against Defendant on February 6, 2018, seeking a judgment on a contribution delinquency from October through December 2017, an order compelling Defendant to undergo an ERISA fringe benefit contributions audit, and for judgment on any amounts determined due by the audit.
2. Plaintiffs served Defendant on February 21, 2018.
3. The time for Defendant to answer or otherwise plead to the Complaint passed without any response from Defendant, so the Court ruled Defendant in default and commanded it to submit to an audit on March 22, 2018.
4. According to the Declaration of Richard J. Wolf (Ex. A), the resulting audit revealed the following arrearages to the Funds: \$1,129.51 in contributions due, \$112.95 in liquidated damages, and \$525.00 in audit costs, for a total of \$1,767.46.
5. During the pendency of the suit, Defendant also fell delinquent in its contributions for the months of January and February 2018. According to the Declaration of Brian Benson

(Ex. B), the Plaintiffs' Funds Assistant Administrator, after crediting various payments, Defendant still owes the following amounts based on its contribution reports: \$26,791.39 in contributions, \$17,883.96 in liquidated damages mandated by the Collective Bargaining Agreement and Trust Agreements, and \$4,183.65 in interest, also mandated by the Collective Bargaining Agreement and Trust Agreements.

6. According to the Declaration of Andrew S. Pigott (Ex. C), Plaintiffs' attorney fees in this matter total \$17,112.50.

WHEREFORE, Plaintiffs ask this Court to enter the Order attached to this Motion as Exhibit D.

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Respectfully submitted,
**TRUSTEES OF THE IBEW LOCAL 701
FUNDS,**

By: s/Andrew S. Pigott
One of their Attorneys